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25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

27 **STEPHANIE FUNSTON,**
28 Plaintiff,

vs.

COUNTY OF RIVERSIDE, a legal
subdivision of the State of California,
and DOES 1-10, inclusive,

Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF
FAIR LABOR STANDARDS ACT
(29 U.S.C. § 207)
AND DEMAND FOR JURY TRIAL**

1 **PRELIMINARY STATEMENT**

2 1. Plaintiff STEPHANIE FUNSTON, a social worker and employee of
3 Defendant COUNTY OF RIVERSIDE, brings this action under the United States
4 Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 207, for remedies arising
5 out of Defendants’ non-payment of overtime. By this Complaint, Plaintiff seeks
6 unpaid wages, penalties, liquidated damages, restitution, attorneys’ fees and costs of
7 suit pursuant to *inter alia*, 29 U.S.C. § 216(b).

8 **JURISDICTION AND VENUE**

9 2. This Court has subject matter jurisdiction over the claims asserted
10 herein pursuant to Article III of the United States Constitution, as well as original
11 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337.

12 3. Venue is proper in this Court under 28 U.S.C. § 1391(b). Defendant
13 resides in this District for the purposes of the foregoing venue statute, and a
14 substantial part of the acts, events and / or omissions giving rise to the claims set
15 forth in this Complaint occurred in this District.

16 **PARTIES**

17 4. Plaintiff STEPHANIE FUNSTON is an individual citizen of the
18 United States of America and the State of California, and resides in this District.
19 Within three (3) years of the date Plaintiff’s Consent to Sue was filed in the related
20 action, *Karrene Phillips et al. v. County of Riverside*, Case No. 5:19-cv-01231,
21 Plaintiff STEPHANIE FUNSTON was employed as a non-exempt, case-carrying
22 social worker by Defendant in the CHILDREN’S SERVICES DIVISION of
23 Defendant’s DEPARTMENT OF PUBLIC SOCIAL SERVICES (a “CSD Social
24 Worker”) in this District.

25 5. The Court in *Karrene Phillips et al. v. County of Riverside*, Case No.
26 5:19-cv-01231 tolled the Statute of Limitations from April 7, 2022 until July 11,

1 2022 for this Plaintiff. Plaintiffs' claim was accordingly tolled during the pendency
2 of that matter through July 11, 2022

3 6. Defendant COUNTY OF RIVERSIDE (hereinafter "Defendant") is a
4 legal subdivision of the State of California, pursuant to Article 11, Section 1(a) of
5 the California Constitution and Cal. Gov. Code § 23002.

6 7. Defendants DOES 1-10, inclusive, are sued herein under fictitious
7 names. Their true names and capacities are unknown to Plaintiff. When their true
8 names and capacities are ascertained, Plaintiff will amend this Complaint by
9 inserting their true names and capacities herein. Plaintiff is informed and believes,
10 and thereon alleges, that each of these fictitiously named defendants is responsible
11 in some manner for the occurrences alleged herein and that the damages alleged
12 herein were caused by such defendants.

13 **GENERAL ALLEGATIONS**

14 8. Throughout Plaintiff's employment with Defendant, Defendant was
15 required under the FLSA to compensate Plaintiff for all hours worked, along with a
16 time-and-a-half premium for all time worked in excess of forty (40) hours per week.
17 Defendant failed to compensate Plaintiff for all hours worked as required by the
18 FLSA.

19 9. Plaintiff is informed and believes, and therefore alleges, that at all
20 times herein mentioned, Defendant was advised by skilled and competent
21 employees, advisors, lawyers and other professionals knowledgeable about the
22 requirements of the FLSA and proper procedures for the payment of overtime
23 compensation to non-exempt employees. Plaintiff thereon alleges that Defendant
24 knew it had a duty to compensate Plaintiff for all hours worked, including overtime,
25 at rates required by the FLSA, and that Defendant willfully, knowingly and
26 intentionally failed and refused to do so.

1 WHEREFORE, Plaintiff STEPHANIE FUNSTON prays for the following
2 relief pursuant to *inter alia*, 29 U.S.C. § 216(b):

- 3 1. Judgment against Defendants for an amount equal to the overtime
4 Defendants failed to pay at the applicable overtime rate;
 - 5 2. Liquidated damages in an additional amount equal to the overtime
6 Defendants failed to pay at the applicable overtime rate;
 - 7 3. Attorney's fees and costs;
 - 8 4. A finding that Defendants' violations of law were willful pursuant to
9 29 U.S.C. § 255(a), providing for an extended three-year damages recovery period
10 preceding the date Plaintiff's executed Consent to Sue was filed in the related action
11 *Karrene Phillips et al. v. County of Riverside*, Case No. 5:19-cv-01231;
 - 12 5. An award of prejudgment interest; and
 - 13 6. Such further relief as the Court deems just and equitable.
- 14

15 Dated: July 5, 2022

Respectfully submitted,

17 CUTTER LAW P.C.

18 By: /s/ John R. Parker, Jr.
19 John R. Parker, Jr.

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Attorneys for Plaintiffs

SIGNATURE ATTESTATION

I hereby attest that I have obtain the authorization from the signatories to this e-filed document and have been authorized to indicate their consent by a conformed signature (/s/) within this e-filed document.

/s/ John R. Parker, Jr.
John R. Parker, Jr.